

REMARKS

SUMMARY OF THE OFFICE ACTION

In the Office Action dated August 7, 2009, the Examiner has withdrawn the previous rejection of claim 1 under 35 U.S.C. §103(a) in light of the Applicant's arguments. The Examiner entered a new ground of rejection based on newly cited reference *Pecen*, U.S. 6,925,095. Specifically, the Examiner has rejected claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over *Jokinen* (US 2003/0027581) in view of *Pecen* (US 6,925,095). Additionally, the Examiner has rejected claim 3 under 35 U.S.C. §103(a) over *Jokinen* in view of *Pecen* and further in view of *Hurst* (US 7,149,545).

SUMMARY OF THIS RESPONSE

The Applicant respectfully submits that, based on the remarks presented below, the disclosure of the cited references do not, alone or in combination, render the invention of the present invention obvious.

DETAILED RESPONSE TO THE EXAMINER'S REJECTION UNDER §103(A)

The *Pecen* Reference

The *Pecen* reference cited by the examiner relates to framed signaling, and more particularly to a method and apparatus utilizing compressed mode operation for framed signals. As stated above, the *Pecen* reference is newly cited art which is relied upon as a basis for each §103 rejection in the pending office action.

With reference to *Pecen*, in operation, as the user equipment 108, 110 (Fig. 1) moves through the cellular communication system 100, hand-off will occur according to ordinary operating techniques. For multi-mode user equipment, such as those operating over a plurality of

different communication air interfaces, the user equipment 108, 110 will be required to acquire and maintain knowledge of multiple radio frequency domains.

The user equipment 108 (Fig. 1) will be required to obtain knowledge of multiple radio frequency domains, and attend to inter-domain measurement and/or synchronization tasks for the second communication network 104, while user equipment 108 has an established link with communication network 102. In compressed mode, these tasks are performed during a time period when the user equipment 108 is engaged in dedicated communications with communication network 102, but during which dedicated communication, a temporal gap is created between uplink transmissions, affording the mobile terminal to perform measurements and synchronization activities on network 104.

Thus, in compressed mode, a transmission gap is created during which the user equipment may perform measurements without encountering a scheduling conflict.

An embodiment for assigning compressed mode operation is illustrated in Fig. 11, wherein the user equipment and the base station both determine the compressed mode slots for the user equipment using a deterministic value known to both the user equipment device and the base station. Thus, in this embodiment, a predetermined deterministic value known to both the user equipment and the network selects the portion of the frame to which the user equipment is assigned. If the deterministic value is a 1, the user device will conduct compressed mode operation in portion 1 of the time slot. If 0, the compressed mode communication will take place in the second portion of the frame, and measurements will be made in the first portion of the frame.

According to one example, the deterministic value may be a particular bit of the subscriber international mobile equipment identity (IMEI).

Pecen Does Not Teach the Stated Limitations of the Present Invention

The examiner states that *Pecen* overcomes the shortcoming of *Jokinen* in that *Jokinen* does not teach the claimed limitation that the remapping of the unique identity to properties, including type of terminal in that *Pecen* teaches such remapping. The teachings of *Pecen* do not relate to a method for the automatic management of terminal-dependent information in a wireless communication network, as is the case in the present invention, but relates to a method of compressed mode communications. Thus, the remapping stated to be taught by *Pecen* is not analogous to the limitation claimed by the present invention.

More particularly, *Pecen* does not teach remapping of the unique identity to properties, including type of terminal. Col. 3, lines 1-14 only teaches that the user equipment 108 may support either single mode or multimode operation, and thus may be capable of operating in one or more than one communication protocol and/or one or more than one frequency band. Col. 7, lines 64-67 only teaches that the deterministic value may be any value known to both the user equipment and the base station, and may be a particular bit of the subscriber international mobile equipment identity (IMEI). Furthermore, col. 7, lines 45-63 only teaches that the deterministic value selects the portion of the frame to which the user equipment is assigned. If the deterministic value is a 1, the user equipment will conduct compressed mode operation in portion 1 of the time slot. If 0, the compressed mode communication will take place in the second portion of the frame, and measurements will be made in the first portion of the frame.

The Examiner states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of *Jokinen* with the multi-mode feature of

Pecen for the purpose of providing a more versatile mobile terminal that can operate in more than one protocol and/or one or more frequency band as taught by *Pecen*. However, as detailed above, the remapping of *Pecen* is not at all equivalent with the claimed remapping of the unique identity to properties, including type of terminal. Thus, *Pecen* does not teach the limitations of the claimed invention acknowledge to be missing from the other references cited by the Examiner. Finally, the Applicant respectfully submits that the Examiner has not provided a rationale as to why person having ordinary skill in the art would combine the teachings of *Jokinen* with *Pecen* to arrive at the claimed invention.

CONCLUSION

In light of the above comments, the Applicant respectfully requests allowance of the pending claims. As pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art,” *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). Since this criterion has not been met, Applicant respectfully asserts that the rejection under 35 U.S.C. § 103 should be withdrawn because *Jokinen*, *Pecen* and *Hurst* do not teach, suggest, or can be combined to disclose each feature of independent claim 1. Additionally, claims 2-9, which depend from independent claim 1, are allowable at least for the reasons presented above for the allowance of independent claim 1, and the additional features recited therein.

In view of the foregoing remarks, it is respectfully requested that the Examiner reconsider his rejection of the claims. The Director is authorized to charge deposit account 04-2223 for any fees which may be required, or credit any overpayment thereto.

Respectfully submitted,
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